

JUN 30 2005

Attorney's Docket No.: 07844-367001
Client's Ref. No.: P342

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Applicant : Robert M. Ayers
Serial No. : 09/639,582
Filed : August 14, 2000

Art Unit : 2178
Examiner : Cong Lac T Huyng

Title : SELF SIZING OBJECT PLACEMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is Request for Withdrawal of
Finality of Action Mailed June 22, 2005, faxed this 30th day of June, 2005, to the United States
Patent and Trademark Office.

Date: June 30, 2005

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REQUEST FOR WITHDRAWAL OF FINALITY OF ACTION MAILED JUNE 22, 2005

The applicant requests reconsideration and withdrawal of the finality of the action mailed of June 22, 2005, for the following reason.

In reply to the preceding action, the applicant made the following amendment to claim 15, and a corresponding amendment to the other independent claim, claim 24:

15. (Currently Amended) A computer program product, tangibly stored on a computer-readable medium, comprising instructions operable to cause a programmable processor to perform operations comprising:

receiving a page layout template, the template including a hierarchy of boxes, the hierarchy including an exterior bounding box for the template and one or more interior boxes contained within the exterior bounding box, the exterior bounding box forming the topmost level of the hierarchy, the one or more interior boxes forming one or more lower levels of the hierarchy, each lower level including one or more interior boxes, the exterior bounding box having one or more dimensions that are variable, at least one of the interior boxes having one or more metrics that are variable in the same dimensions as the exterior bounding box, each metric specifying a size for the interior box, a distance between the interior box and another box, or both, the size or distance each being defined as two values, a first value specifying a nominal value, and a second value specifying a range of permissible values around

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at the nominal value, the another box being another box on the same level or on a different level of the hierarchy;
converting the one or more variable dimensions of the exterior bounding box into one or more fixed dimensions; and
adjusting the metrics of the interior boxes based on the fixed dimensions.

The examiner stated that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action."

The difference between prior and the pending the language of the claim, insofar as it might relate to the scope of the claim, is this. Before the amendment, the amended language read:

the size or distance defined as a range of permissible values around a nominal value.

After the amendment, the language read:

the size or distance each being defined as two values, a first value specifying a nominal value, and a second value specifying a range of permissible values around the nominal value.

In both cases, the language requires at least two values: first, a nominal value, and second, at least one value defining a range. The disjunction "or" in "the size or distance" clearly requires that whichever one of them is defined, size or distance, it is defined in terms of the at least two values just mentioned. Thus, the scope of the claim cannot fairly be said to have changed, and the amendment cannot fairly be characterized as the reason for the new ground of rejection, namely, reliance on the Wu patent.

This is clear from what the examiner said about the Wu patent in reference to the amended claim, because this is what the examiner could have said, and should have said, in reference to the claim pending in the prior action:

It would have been obvious to an ordinary skill in the art at the time of the invention was made to have combined Wu into PowerPoint since Wu teaches defining a distance with two values, the first is a margin and the second is a permissible range around the nominal value indicated by "plus or minus a margin of error..." providing the advantage to incorporate into PowerPoint for flexibly defining a value for a distance or a size using a value and a

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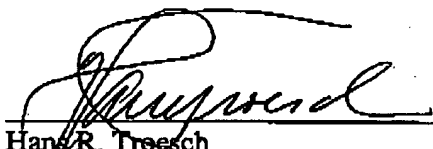
permissible range around said value beside said integer value or decimal
value by convention. [Emphasis added]

For the foregoing reason, the applicant requests reconsideration and withdrawal of the
finality of the Office action mailed June 22, 2005.

Respectfully submitted,

Date:

30 Jun 05


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